



The Florida House of Representatives

Office of the Speaker

Dean Cannon
Speaker

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Ballot Summary Reform Passes Florida House

Tallahassee, Fla. – CS/CS/HB 1261 today passed the Florida House of Representatives. This legislation preserves the rights of Floridians to amend their constitution by outlining a process for addressing ballot summaries found insufficient or otherwise defective by the courts.

“I commend Speaker pro tempore Legg and Representatives Corcoran and Young for crafting this important legislation,” said House Speaker Dean Cannon (R-Winter Park). “This legislation aims to bring clarity to the process of amending our state constitution and ensures that citizens have an opportunity to vote on constitutional amendments that are proposed by their elected representatives.”

CS/CS/HB 1261 requires Joint Resolutions proposing constitutional amendments to contain a ballot title consisting of a caption (of 15 words or less) that identifies the commonly used name or title of the amendment. The legislation also specifies that resolutions passed by the Legislature may include a primary ballot summary as well as alternate ballot summaries for the court to consider if the primary ballot summary is insufficient or otherwise defective, and requires ballot summaries to describe the chief purpose of the amendment in clear and unambiguous language.

Additionally, the bill restates the prerogative of the Legislature to place the full text of the proposed amendment on the ballot in lieu of a ballot summary. In these instances, if the text of the amendment indicates language being replaced or removed from the constitution, the text itself is presumed to be a clear and unambiguous statement that provides sufficient notice to the voters of the issue upon which they are voting.

“Self-governance is a basic tenet of our republican form of government,” said Speaker pro tempore John Legg (R-Port Richey). “I firmly believe that the fundamental right of self-governance must be protected and this legislation guarantees that right by simply offering an alternative to ballot summaries that are found insufficient, a measure that the court has requested on several occasions.”

“I am confident this legislation offers a sound solution to ballot summaries being found insufficient and ensures that the people of Florida have the ability to exercise their right to vote on constitutional amendments proposed by the legislature,” concluded Speaker pro tempore Legg.

Additionally, in order to ensure that legal challenges are resolved in a timely manner so that Floridians can vote on legislatively proposed amendments, CS/CS/HB 1261 requires legal challenges of legislative ballot language to commence within 30 days after the challenged Joint Resolution is filed with the Secretary of State and provides that if the ballot summary and alternative ballot summaries are found defective by the courts, the full text of the amendment must be placed on the ballot.

However, if the courts conclude that the ballot summary provided by the Legislature or the full text of a proposed amendment cannot be placed on the ballot, or if ballot technology is incompatible with putting the full text of a proposed amendment on the ballot, the legislation requires the Attorney General to promptly rewrite the ballot summary and requires challenges to a revised summary to be filed within 10 days. Finally, the legislation requires legal challenges to ballot language proposed in a Joint Resolution be given priority over other cases on the courts’ docket and requires the courts to render decisions as soon as possible.

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